

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8930 of 2021

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Rahul Sharma Son of Late Parmanand Sharma, Resident of Village- Ashok Nagar, Road No.-14, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Senior Superintendent of Police, City, Patna.
5. The Superintendent of Police, City, Patna.
6. The Excise Superintendent, Patna.
7. The Officer-in-Charge, Kankarbagh P.S., District- Patna.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For issuance of an appropriate writ in the nature of Mandamus commanding and directing upon the respondents concerned to unseal the sealed room of the house of the petitioner hearing House No. 301A, Circle No. 08A , Ward No. 32 in Mohalla Ashok Nagar Road, No. 14 at Kankarbagh Patna, which has been illegally sealed in connection with



Kankarbagh PS Case No. 401 of 2018.

(ii) For issuance of an appropriate writ in the nature of Certiorari for setting aside the order dated 27.09.2019 passed by the Collector Cum District Magistrate, Patna in Confiscation Case No. 2637 of 2018-19 by which he has ordered to confiscate the sealed room of the house bearing house no. 301A, Circle No. 08A, Ward No. 32 in Mohalla Ashok Nagar, Kankarbagh, Patna illegally u/s 58 of the Bihar Prohibition and Excise Act, 2016.”

Learned counsel for the petitioner submits that order of confiscation has been passed on 27.09.2019 but petitioner was not aware about the order of confiscation and when petitioner came to know about the order of confiscation, petitioner has filed this writ petition on 06.04.2021, for setting aside the order passed by the Confiscating Officer.

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 8 weeks then appellate authority shall condone the delay in filing appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated property shall not be auction sold, if not already auction sold.



With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

